

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action dated July 20, 2007. At that time, claims 1-7, 10-14, 17, 20-24, 26-28, 31-35, 38-39, 42-45, 48-55, 58, 60, and 62 were pending in the application. In the Office Action, claims 17, 20, 22-24, 26-28, 31, 34, 35, 58, 60, and 62 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1106446 (hereinafter "EP '446"). Claims 1-7, 10, 12-14, 33, 48-52, 54, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446. Claims 11, 21, 32, and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of U.S. Patent No. 5,082,310 issued to Bauer (hereinafter "Bauer"). Claims 38, 39, 42, and 44-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of U.S. Patent No. 5,647,608 issued to Damman et al. (hereinafter "Damman"). Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '446 in view of Damman and in further view of Bauer.

By this paper, Applicants respond to the rejections raised in the Office Action. Favorable consideration and allowance of the claims is respectfully requested.

**I. § 102(b) Rejection Claims 17, 20, 22-24, 26-28, 31, 34, 35, 58, 60, and 62**

The Examiner rejected claims 17, 20, 22-24, 26-28, 31, 34, 35, 58, 60, and 62 under 35 U.S.C. § 102(b) as being anticipated by EP '446. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegual Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue are patentably distinct from EP '446 because this reference does not disclose all of the elements in these claims. Independent claims 17, 27, and 58 have been amended to recite that at least a portion of the inflator is

positioned within the housing. Support for this claim element is found throughout the specification and is shown in Figures 1, 3, and 4. These independent claims have further been amended to recite that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. This element is patterned after the disclosure of original claim 4. Such claim elements are not disclosed by EP '446. As can be seen in EP '446, this reference teaches a system in which the inflator 8 is located remote of the airbag 5 or the airbag housing and connected by a tube (which appears to be labeled with reference numeral 7). Accordingly, as the airbag 5 is located remote of the inflator 8 in EP '446, this reference clearly does not teach a system in which at least a portion of the inflator is positioned within the housing, as in required by independent claims 17, 27, and 58. Further, one of the features of the present airbag module is its "thin" profile (*i.e.*, with a thickness perpendicular to the periphery is less than two inches along substantially all of the area). There is no teaching or indication in EP '446 how this thin profile may be achieved while at the same time incorporating a portion of the inflator within the housing. Accordingly, because this reference fails to disclose all of the relevant claim elements, EP '446 cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 20, 22-24 and 26 depend from independent claim 17. Claims 28, 31, and 34-35 depend from independent claim 27. Likewise claims 60 and 62 depend from independent claim 58. Accordingly, dependent claims 20, 22-24, 26, 31, 34-35, 60, and 62 are similarly patentable over EP '446 for the same reasons that were outlined above in conjunction with independent claims 17, 27, and 58. Withdrawal of these rejections is respectfully requested.

## **II. § 103(a) Rejection of Claims 1-7, 10, 12-14, 33, 48-52, 54, and 55**

The Examiner rejected claims Claims 1-7, 10, 12-14, 33, 48-52, 54, and 55 under 35 U.S.C. § 103(a) based on EP '446. This rejection is respectfully traversed.

The M.P.E.P. clarifies that a proper rejection under § 103(a) requires that all of the claim elements must be taught or suggested by the cited prior art references. *See* M.P.E.P. § 2142. Applicants respectfully submit that the claims at issue are patentably distinct from EP '466 because this reference does not teach or suggest all of the elements in these claims. Independent

claims 1 and 48 have been amended to recite that at least a portion of the inflator is positioned within the housing. These independent claims have further been amended to recite that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. As noted above, this claim language is not taught or suggested by EP '446. Accordingly for this reason, independent claims 1 and 48 cannot be rejected under § 103(a) based upon EP '446. Withdrawal of this rejection is respectfully requested.

Claims 2-3, 5-7, 10, and 12-14 depend either directly or indirectly from claim 1. Claims 49, 51-52 and 54-55 depend either directly or indirectly from claim 48. Accordingly, Applicant respectfully requests that the rejection of claims 2-3, 5-7, 10, 12-14, 49, 51-52 and 54-55 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 48.

Claim 33 depends from independent claim 27. Accordingly, claim 33 also requires that at least a portion of the inflator is positioned within the housing and that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. As explained above, this claim element is not taught or suggested EP '446. Accordingly for this reason, claim 33 cannot be rejected under § 103(a) based upon EP '446. Withdrawal of this rejection is respectfully requested.

### **III. § 103(a) Rejection of Claims 11, 21, 32, and 53**

The Examiner rejected claims 11, 21, 32, and 53 under 35 U.S.C. § 103(a) based on EP '446 in view of Bauer. This rejection is respectfully traversed.

As noted above, a rejection under § 103(a) cannot be maintained unless all of the claim elements are taught or suggested by the cited references. As a result of this paper, dependent claims 11, 21, 32, and 53 all require that at least a portion of the inflator is positioned within the housing and that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. This claim language, as noted above, is not taught or suggested by EP '446. Further, the Examiner has not indicated any teaching or disclosure in Bauer that would satisfy these claim elements. Similarly, there is no indication how the combination of Bauer and EP '446 would result in an airbag module that would have this thin profile, but still incorporate at

least a portion of the inflator within the housing. For this reason, Applicant submits that claims 11, 21, 32, and 53 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

**IV. § 103(a) Rejection of Claims 38, 39, 42, and 44-45**

The Examiner rejected claims 38, 39, 42, and 44-45 under 35 U.S.C. § 103(a) based on EP '446 in view of Damman. This rejection is respectfully traversed.

As explained above, a rejection under § 103(a) cannot be maintained unless all of the claim elements are taught or suggested by the cited references. As a result of this paper, independent claim 38 has been amended to recite that at least a portion of the inflator is positioned within the housing and that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. This claim language, as noted above, is not taught or suggested by EP '446. Similarly, there is no indication how the combination of Damman and EP '446 would result in an airbag module that would have this thin profile, but still incorporate at least a portion of the inflator within the housing. For this reason, Applicant submits that claim 38 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

Claims 39, 42, and 44-45 depend either directly or indirectly from claim 38. Accordingly, Applicant respectfully requests that the rejection of claims 39, 42, and 44-45 be withdrawn for at least the same reasons as those presented above in connection with claim 38.

**V. § 103(a) Rejection of Claim 43**

The Examiner rejected claim 43 under 35 U.S.C. § 103(a) based on EP '446 in view of Damman and in further view of Bauer. This rejection is respectfully traversed.

Claim 43 depends from independent claim 38. Accordingly, as a result of this paper, claim 43 requires that at least a portion of the inflator is positioned within the housing and that the thickness perpendicular to the periphery is less than two inches along substantially all of the area. This claim language, as noted above, is not taught or suggested by EP '446. Further, the Examiner has not indicated any combination of EP '446, Damman and/or Bauer that would

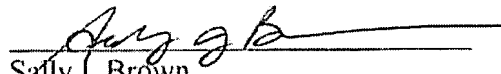
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satisfy this claim element. For this reason, Applicant submits that claim 43 cannot be rejected under § 103(a) based upon these references. Withdrawal of this rejection is respectfully requested.

#### VI. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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